

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3098 - HB 3213

March 4, 2010

SUMMARY OF BILL: Increases the penalty for kidnapping, aggravated kidnapping, and especially aggravated kidnapping by one classification if the defendant falsely imprisoned the victim for 14 days or more.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$680,400/Incarceration*

Assumptions:

- Currently kidnapping is a Class C felony. Under this bill, the offense would only be a Class C felony if the victim was held for less than 14 days. If the victim is falsely imprisoned for 14 days or more, the penalty is a Class B felony. Under these same circumstances, the penalty for aggravated kidnapping would increase from a Class B to a Class A felony. Especially aggravated kidnapping is punished as a Class A felony, with a sentence range of 15-60 years. Under this bill, if the victim is falsely imprisoned for 14 days or more, the offense is punishable by life imprisonment.
- According to Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86.
- According to DOC, the average post-conviction time served for a Class C felony is 3.26 years (1,190.72 days) at a cost of \$71,276.50; 5.63 years (2,056.36 days) for a Class B felony at a cost of \$123,093.71; and 15.01 years (5,482.40 days) for a Class A felony at a cost of \$328,176.46.
- According to the DOC, there has been an average of 24 admissions for kidnapping in each of the past 10 years. DOC estimates 10 percent (2.4) of the total admissions would have involved a victim being held for 14 days or more and would result in an offender serving an additional 2.37 years (an increase from a Class C at 3.26 years to a Class B at 5.63 years).
- According to DOC, 40 percent of offenders will re-offend within two years of their release. A recidivism discount of 40 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (two Class C offenders

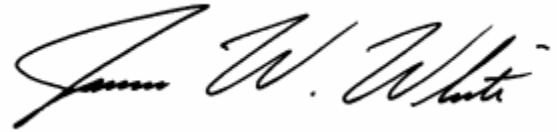
x 40% recidivism discount = 0.8 offenders). The maximum cost in the tenth year is based on one offender. The additional cost of increasing the average sentence length by 2.37 years (an increase from a Class C to a Class B felony) is \$51,817.21 (\$123,093.71 - \$71,276.50).

- According to the DOC, there has been an average of 32 admissions for aggravated kidnapping in each of the past 10 years. DOC estimates 10 percent (3.2) of the total admissions would have involved a victim being held for 14 days or more and would result in an offender serving an additional 9.38 years (an increase from a Class B at 5.63 years to a Class A at 15.01 years).
- According to DOC, 46.4 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (three Class B offenders x 46.4% recidivism discount = 1.39 offenders). The maximum cost in the tenth year is based on two offenders. The additional cost of increasing the average sentence length by 9.38 years (an increase from a Class B to a Class A felony) is \$205,082.75 (\$328,176.46 - \$123,093.71). The total additional cost for two offenders is \$410,165.50 (\$205,082.75 x 2).
- According to DOC, there has been an average of 22 admissions for especially aggravated kidnapping in each of the past 10 years. DOC estimates 10 percent (2.2) of the total admissions would have involved a victim being held for 14 days or more and would result in an offender serving an additional 9.99 years (an increase from a Class A at 15.01 years to life imprisonment at 25.0 years).
- According to DOC, 46.4 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (two Class B offenders x 46.4% recidivism discount = 0.93 offenders). The maximum cost in the tenth year is based on one offender. The cost at 25.0 years is \$546,596.63 (\$59.86 x 9,131.25 days). The additional cost of increasing the average sentence length by 9.99 years (an increase from a Class A at 15.01 years to life imprisonment at 25.0 years) is \$218,420.17 (\$546,596.63 - \$328,176.46).
- Total additional operating cost for incarceration is \$680,402.88 (\$51,817.21 + \$410,165.50 + \$218,420.17).
- Any impact on the caseloads for state trial courts can be accommodated within existing judicial resources without an increased appropriation.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc